

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NOS. 96-235-W/S - ORDER NO. 96-697  
OCTOBER 9, 1996

IN RE: Application of Carolina Water Service, ) ORDER  
Inc. for Approval of a Transfer of the ) ADDRESSING  
I-20 and Lake Murray Systems to the ) MOTIONS  
Town of Lexington, South Carolina. )

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of two Motions filed by Concerned Citizens Against Carolina Water, Inc. ("CCACW").

First, CCACW filed an Amended Motion for Continuance in which CCACW requested a continuance of the hearing scheduled in this Docket for October 3, 1996. The Commission finds that CCACW's Amended Motion for Continuance is moot as the Commission in Order No. 96-694 has previously granted a request by CCACW for a continuance of the hearing scheduled for October 3, 1996.

CCACW's second Motion was a Motion to Strike. By its Motion, CCACW requested that the Commission strike both the "Town of Lexington Water and Sewer Facilities Purchase Agreement" ("Agreement") and the "Operations Contract - Water Service Corporation and the Town of Lexington" ("Operations Contract") attached as "Exhibit 1" to the Application filed in this Docket. CCACW based its Motion to Strike on 26 S.C. Code Ann. Regs. 103-541 and 103-743 (Supp. 1995), which provide that

No utility shall execute or enter into any agreement with any person, firm, partnership or corporation or

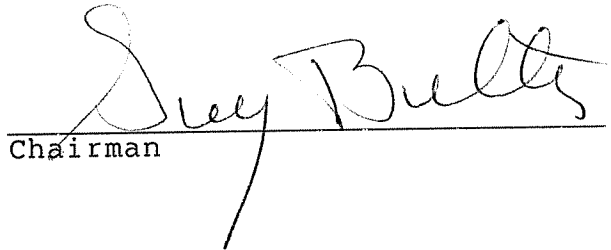
any agency of the Federal, State or local government which would impact, pertain to, or effect said utility's fitness, willingness, or ability to provide [sewer service or water service] ... without first submitting said contract in form to the Commission and obtaining approval of the Commission.

CCACW argues that the Agreement and the Operations Contract should be stricken as both have been "executed" and have not been submitted "in form" as provided in 26 S.C. Code Ann. Regs. 103-541 and 103-743 (Supp. 1995).

The Commission notes the motion to Strike of CCACW and declines to rule on the Motion at this time. The Commission will rule on the Motion to Strike in its final Order after the hearing in this matter.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)